ALLEGED VIOLATION: On or about September 9 and 29 and October 11, 13, 15, and 22, 1951, while quantities of *dextro-amphetamine sulfate tablets, Seconal Sodium capsules, methamphetamine hydrochloride tablets,* and *methyltestosterone tablets* were being held for sale at Mose Drug, Inc., after shipment in interstate commerce, various quantities of the drugs were repacked and dispensed without a physician's prescription, which acts resulted in the repackaged drugs being misbranded.

Mose Drug, Inc., was charged with causing the acts of repacking and dispensing of the drugs involved in each of the 8 counts of the information, and, in addition, Defendant Preston, in 5 of the counts, and Defendant Clark, in 3 of the counts, were charged with causing such acts to be done in connection with the drugs involved in those counts.

NATURE OF CHARGE: Misbranding, Section 502 (b) (2), all of the repackaged drugs failed to bear labels containing an accurate statement of the quantity of the contents; and, Section 502 (f) (1), the labeling of all of the repackaged drugs failed to bear adequate directions for use.

Further misbranding, Section 502 (b) (1), portions of the repackaged *dextro-amphetamine sulfate tablets* and *methyltestosterone tablets* and all of the repackaged *methamphetamine hydrochloride tablets* failed to bear labels containing the name and place of business of the manufacturer, packer, or distributor.

Further misbranding, Section 502 (d), the repackaged *Seconal Sodium capsules* contained a chemical derivative of barbituric acid, which derivative has been found to be, and by regulations designated as, habit forming; and the label of the capsules failed to bear the name, and quantity or proportion of such derivative and in juxtaposition therewith the statement "Warning—May be habit forming."

Further misbranding, Section 502 (e) (2), the repackaged *dextro-amphetamine sulfate tablets* and *methamphetamine hydrochloride tablets* and a portion of the *methyltestosterone tablets* failed to bear labels containing the common or usual name of the active ingredients of the drugs; and, Section 502 (f) (2), the repackaged *methamphetamine hydrochloride tablets* failed to bear labeling containing adequate warnings against use in those pathological conditions where their use may be dangerous to health, and against unsafe dosage and methods and duration of administration, in such manner and form, as are necessary for the protection of users.

DISPOSITION: November 20, 1952. Pleas of nolo contendere having been entered, the court imposed a fine of $200 against the corporation, $75 against Defendant Preston, and $45 against Defendant Clark.

3860. Misbranding of diethylstilbestrol tablets and dextro-amphetamine sulfate tablets. U. S. v. Grover C. Gearien (Gearien's Prescription Store). Plea of guilty. Fine of $500, plus costs. (F. D. C. No. 33728. Sample Nos. 32704–L, 34339–L, 34350–L, 34352–L, 34454–L.)

INFORMATION FILED: November 20, 1952, Southern District of Illinois, against Grover C. Gearien, trading as Gearien's Prescription Store, Chillicothe, Ill.

ALLEGED VIOLATION: On or about February 20, 25, 26, and 28, and March 3, 1952, while a number of *diethylstilbestrol tablets* and *dextro-amphetamine sulfate tablets* were being held for sale at Gearien's Prescription Store after shipment in interstate commerce, the defendant caused quantities of such tablets to be repacked and dispensed without a physician's prescription, which acts resulted in the repackaged drugs being misbranded.

NATURE OF CHARGE: Misbranding, Sections 502 (b) (1) and (2), the repackaged drugs failed to bear labels containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents; Section 502 (f) (1), the labeling of the repackaged drugs failed to bear adequate directions for use; and, Section 502 (f) (2), the labeling of the repackaged *diethylstilbestrol tablets* failed to bear adequate warnings against use in those pathological conditions where their use may be dangerous to health, and against unsafe dosage and methods and duration of administration, in such manner and form, as are necessary for the protection of users.

DISPOSITION: December 3, 1952. A plea of guilty having been entered, the court imposed a fine of $500, plus costs.

INDEX TO NOTICES OF JUDGMENT D. D. N. J. NOS. 3841 TO 3860

PRODUCTS

[1] (3844, 3847, 3849, 3854) Prosecution contested.
[2] (3841) Prosecution contested. Contains charge to the jury.
[3] (3848) Prosecuti n contested. Contains order of the court.
[4] (3842) Prosecution contested. Contains opinion of the court.

U. S. Department of Health, Education, and Welfare

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

3861–3880

DRUGS AND DEVICES

The cases reported herewith were instituted in the United States district courts by the United States attorneys, acting upon reports submitted by the U. S. Department of Health, Education, and Welfare, and include, where indicated, the results of investigations by the Department, prior to the institution of the proceedings. Published by direction of the Secretary of Health, Education, and Welfare.

CHARLES W. CRAWFORD, *Commissioner of Food and Drugs.*

WASHINGTON, D. C., *May 14, 1953.*

CONTENTS *

*For drug actionable because of potential danger when used according to directions, see No. 3861 (veterinary preparation); presence of a habit-forming narcotic without warning statement, Nos. 3863-3866; omission of, or unsatisfactory, ingredients statements, Nos. 3861 (veterinary preparation), 3864, 3865, 3867; imitation of, and sale under name of, another drug, No. 3867; failure to bear a label containing an accurate statement of the quantity of the contents, Nos. 3863-3867; failure to bear a label containing the name and place of business of the manufacturer, packer, or distributor, Nos. 3863, 3865-3867.

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